



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DAVID E. KAPLAN, et al.,

Plaintiffs,

- against -

S.A.C. CAPITAL ADVISORS, L.P., et al.,

Defendants.
----- X

No. 12 Civ. 9350 (VM) (KNF)
(All Actions)

ECF CASE

BIRMINGHAM RETIREMENT AND RELIEF
SYSTEM et al.,

Plaintiffs,

- against -

S.A.C. CAPITAL ADVISORS, L.P., et al.,

Defendants.
----- X

No. 13 Civ. 2459 (VM) (KNF)

ECF CASE

KEVIN NATHANIEL FOX
UNITED STATE MAGISTRATE JUDGE

AMENDED CASE MANAGEMENT PLAN AND SCHEDULING ORDER

WHEREAS, on October 10, 2014, the parties jointly submitted a proposed Case Management Plan and Scheduling Order with alternative language proposed by Plaintiffs and Defendants concerning certain disputed matters;

WHEREAS, on November 7, 2014, the Court issued an Order resolving the disputed matters [ECF No. 171], and the case management schedule thereby approved by the Court provided for a fact discovery cutoff of June 30, 2015 and an overall discovery cutoff of October 28, 2015;

WHEREAS, on February 25, 2015, the Court approved a three-month extension of fact discovery [ECF No. 175], to September 30, 2015, which extended the overall discovery cutoff to January 28, 2016;

WHEREAS, the parties have now completed all fact witness depositions and all other fact discovery, other than with respect to a limited number of supplemental document requests and interrogatories, on which the parties are continuing to meet-and-confer;

WHEREAS, on November 5, 2015, the Court approved modifications of the expert discovery schedule and directed the parties to submit a revised case management order [ECF No. 237];

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Expert discovery shall proceed on the following schedule:

Opening expert reports.....	December 4, 2015
Rebuttal expert reports.....	January 22, 2016
Discovery cutoff.....	March 15, 2016

2. Expert reports shall comply with the expert disclosure requirements of Fed. R. Civ. P. 26. If both Plaintiffs and Defendants have designated experts with respect to the same subject matter, then the parties who bear the burden of proof on the relevant issue shall file the opening report and the other parties shall file the rebuttal report.

3. The parties shall confer and address the matters to be tried by jury and by the Court in their Joint Preliminary Trial Report.

4. Further amended pleadings and the joinder of additional parties, if any, shall be governed by the Federal Rules of Civil Procedure.

5. The further motions presently contemplated by the parties are: *Daubert* Motions, Motions for Summary Judgment, and Motions *In Limine*.

6. Following all discovery, all counsel shall meet for at least one hour to discuss settlement, such conference to be held no later than March 29, 2016.

7. The parties do not consent to trial by a Magistrate Judge under 28 U.S.C. §636(c).

8. Service via email shall constitute valid service, and the provision of Fed. R. Civ. P. 6(d) (providing three additional days for such service) shall not apply. Email attachments shall be limited to 5 MB per email; FTP links may be used for larger files.

TO BE COMPLETED BY THE COURT:

The next telephonic Case Management Conference is scheduled for February 10, 2016, at 10:00 a.m. to be initiated by plaintiff's counsel in 12-CV-9350 KNF USMJ

In the event the case is to proceed to trial, a firm trial date and deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

Dated: New York, New York
November 20, 2015

SO ORDERED:

Kevin Nathaniel Fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE